IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

BIOVAIL LABORATORIES INTERNATIONAL SRL a corporation of Barbados,)
Plaintiff,) C.A. No. 05-586 (KAJ)
v.)
ANDRX PHARMACEUTICALS, LLC and ANDRX CORPORATION,)))
Defendants.)))

DECLARATION OF PRESTON K. RATLIFF II IN SUPPORT OF BIOVAIL'S ANSWERING BRIEF IN OPPOSITION TO ANDRX'S MOTION TO CONSOLIDATE CIVIL ACTION NOS. 05-586 AND 05-730

- I, Preston K. Ratliff II, declare under penalty of perjury that:
- 1. I am associated with the law firm of Fitzpatrick, Cella, Harper & Scinto, counsel for plaintiff, Biovail Laboratories International SRL ("Biovail"). I make this declaration in support of BIOVAIL'S ANSWERING BRIEF TO ANDRX'S MOTION TO CONSOLIDATE CIVIL ACTION NOS. 05-586 AND 05-730.
- 2. Attached as Exhibit 1 hereto is a true and correct copy of a July 19, 2005 letter that Biovail sent to Andrx.
- 3. Attached as Exhibit 2 hereto is a true and correct copy of an August 4, 2005 letter that Biovail sent to Andrx.
- 4. Attached as Exhibit 3 hereto is a true and correct copy of an August 26, 2005 letter that Biovail sent to Andrx.
- 5. Attached as Exhibit 4 hereto is a true and correct copy of a September 2, 2005 letter that Biovail sent to Andrx.

- 6. Attached as Exhibit 5 hereto is a true and correct copy of a September 20, 2005 letter that Biovail sent to Andrx.
- 7. Attached as Exhibit 6 hereto is a true and correct copy of a September 27, 2005 letter (without attachments) that Biovail sent to Andrx).
- 8. Attached as Exhibit 7 hereto is a true and correct copy of an October 4, 2005 letter that Andrx sent to Biovail.
- 9. Attached as Exhibit 8 hereto is a true and correct copy of an October 7, 2005 letter (without attachment) that Biovail sent to Andrx.
- 10. Attached as Exhibit 9 hereto is a true and correct copy of a November 29, 2005 letter that Biovail sent to Andrx.
- 11. Attached as Exhibit 10 hereto is a true and correct copy of a December 6, 2005 letter that Andrx sent to Biovail.
- 12. Attached as Exhibit 11 hereto is a true and correct copy of a December 7, 2005 letter (without attachment) that Biovail sent to Andrx.
- 13. Attached as Exhibit 12 hereto is a true and correct copy of a November 10, 2005 letter (without attachment) that Biovail sent to Andrx.
- 14. Attached as Exhibit 13 hereto is a true and correct copy of a December 16, 2005 letter that Biovail sent to Andrx.
- 15. Attached as Exhibit 14 hereto is a true and correct copy of a December 28, 2005 letter that Biovail sent to Andrx.

- 16. Attached as Exhibit 15 hereto is a true and correct copy of a December 29, 2005 letter that Andrx sent to Biovail.
- 17. Attached as Exhibit 16 hereto is a true and correct copy of pages from Andrx's website.
- 18. Attached as Exhibit 17 hereto is a true and correct copy of a January 6, 2006 letter that Biovail sent to Andrx.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1/6/06

Preston K. Ratliff II

CERTIFICATE OF SERVICE

I, Melissa Stone Myers, hereby certify that on January 6, 2006, I caused to be electronically filed DECLARATION OF PRESTON K. RATLIFF II IN SUPPORT OF BIOVAIL'S ANSWERING BRIEF IN OPPOSITION TO ANDRX'S MOTION TO CONSOLIDATE CIVIL ACTION NOS. 05-586 AND 05-730 with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

William J. Cattie, III Rawle & Henderson, LLP

and that I caused copies to be served upon the following in the manner indicated:

BY HAND

William J. Cattie, III Julie M. Sebring Rawle & Henderson, LLP 300 Delaware Avenue Suite 1015 P.O. Box 588 Wilmington, DE 19899

/s/ Melissa Stone Myers (#3985)

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